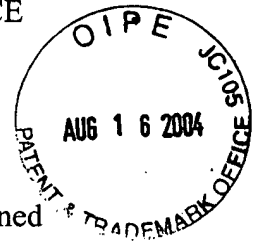


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul F. Herbert and Michael S. Healy  
Application No.: 10/784,474 Group Art Unit: 1711  
Filed: February 23, 2004 Examiner: Not Assigned  
Confirmation No.: 1733  
Title: PRODUCTION SCALE METHOD OF FORMING MICROPARTICLES



CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
8/12/04	Christina McSweeney
Date	Signature
Christina McSweeney	
Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☐ Copies of the cited references are enclosed.
    - ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
  - ☒ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. 08/443,726, 09/305,413, 09/587,821 and 10/006,991. The earlier application contains copies of the cited references.
  - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☐ The "concise explanation" requirement (non-English references) for reference(s) [       ] under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
    - ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

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Examiner

\_\_\_\_\_  
Date

☐ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Susan M. Abelleira  
Susan M. Abelleira  
Registration No.: 42,252  
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Concord, MA 01742-9133

Dated: August 12, 2004

PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>August 12, 2004</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 1733.1009-041		APPLICATION NO. 10/784,474	
	FIRST NAMED INVENTOR Paul F. Herbert		FILING DATE February 23, 2004	
	EXAMINER Not Assigned		CONFIRMATION NO. 1733	GROUP 1711

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	3,737,337	06/05/73	Schnoring <i>et al.</i>
	AB	3,523,906	08/11/70	Vrancken <i>et al.</i>
	AC	3,691,090	09/12/72	Kitajima <i>et al.</i>
	AD	3,891,570	06/24/75	Fukushima <i>et al.</i>
	AE	4,166,800	09/04/79	Fong
	AF	3,887,699	06/03/75	Yolles
	AG	4,542,025	09/17/85	Tice <i>et al.</i>
	AH	3,928,566	12/23/75	Briggs <i>et al.</i>
	AI	4,675,189	06/23/87	Kent <i>et al.</i>
	AJ	5,019,400	05/28/91	Gombotz <i>et al.</i>
	AK	4,389,330	06/21/83	Tice <i>et al.</i>
	AA2	5,192,741	03/09/93	Orsolini <i>et al.</i>
	AB2	4,835,139	05/30/89	Tice <i>et al.</i>
	AC2	4,530,840	07/23/85	Tice <i>et al.</i>
	AD2	4,804,741	02/89	Verbiscar <i>et al.</i>
	AE2	5,475,984	12/19/95	Fermani, <i>et al.</i>
	AF2	5,307,640	05/03/94	Fawzy, <i>et al.</i>
	AG2	5,922,253	07/13/99	Herbert, <i>et al.</i>
	AH2	6,153,129	11/28/00	Herbert, <i>et al.</i>
	AI2	6,358,443 B1	03/19/02	Herbert, <i>et al.</i>
	AJ2			
	AK2			
	AA3			
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EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>August 12, 2004</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 1733.1009-041	APPLICATION NO. 10/784,474	
	FIRST NAMED INVENTOR Paul F. Herbert		FILING DATE February 23, 2004
	EXAMINER Not Assigned	CONFIRMATION NO. 1733	GROUP 1711

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	AL	WO 89/03678	05/05/89	Plessey Overseas Limited		
	AM	WO 90/13780	11/15/90	Enzytech, Inc.		
	AN	WO 93/07861	04/29/93	Board of Regents, The University of Texas System		
	AO	WO 90/13285	11/15/90	Enzytech, Inc.		
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	FIRST NAMED INVENTOR Paul F. Herbert		FILING DATE February 23, 2004	
	EXAMINER Not Assigned	CONFIRMATION NO. 1733	GROUP 1711	

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

, AR	Sato, Toyomi, et al., "Porous Biodegradable Microspheres for Controlled Drug Delivery. I. Assessment of Processing Conditions and Solvent Removal Techniques," Pharmaceutical Research, 5(1): 21-29 (1988).
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